

**NOT FOR CITATION**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CONVEX PROMOTIONS, INC.,

Plaintiffs,

No. C 04-4153 PJH

v.

**ORDER**

ACQUIRE, INC.,

Defendant.

The request of the parties to submit 13 terms for construction is GRANTED. The court finds, however, that the joint claim construction and prehearing statement, filed on July 29, 2005, is deficient for the following reasons. First, plaintiff's proposed constructions of "outer member" and "compartment" appear to contain typographical errors. The information listed under "Dictionary/Treatise Definitions" does not match the disputed term language. Second, the information provided under "Plaintiff Convex's Proposed Construction" for disputed term Nos. 7 through 13 does not appear to constitute a complete proposed construction, as the court understands it. At any rate, the plaintiff's "proposed construction" and the defendant's "proposed construction" are not presented in parallel fashion, as required by the court's standing order. The court anticipates that these deficiencies will result in problems for the court in attempting to construe the disputed terms.

**IT IS SO ORDERED.**

Dated: August 15, 2005



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PHYLLIS J. HAMILTON  
United States District Judge